

Senator GORTON and Senator HOLLINGS or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. I further ask that following the disposition of the Dole amendment, as amended, if amended, Senator THOMPSON be recognized to offer an amendment to limit the bill to Federal court cases only.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. So I say to my colleagues, there will be no votes tonight. But anybody who has a second-degree amendment to the Dole amendment, or anybody who wishes to debate, we will be in session as long as that may take.

I thank my colleagues on both sides for agreeing to this request.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I ask unanimous consent if I could proceed as in morning business for 5 minutes?

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO SENATOR JOHN C. STENNIS

Mr. COCHRAN. Mr. President, it was my honor, a unique honor and special pleasure to serve in this body as the State colleague of John C. Stennis for 10 years. I deeply appreciated the bond of friendship, respect and trust that developed between us as we worked together to represent the interests of the State of Mississippi, and its citizens, in the U.S. Senate.

He had already established a reputation for intelligent leadership in this body when I arrived here, and I considered it my good fortune to be able to learn first hand from him and from his example. We were never rivals. We talked almost every day. He was always friendly and courteous to me, as he was with every other Senator. Although we were members of different political parties, that did not interfere with or detract from our relationship.

Our State has had its share of demagogues, as all other States have, and I have deplored their excesses and have been embarrassed by them. But in Senator Stennis we saw a man as pure in heart and deed with less inclination to inflame the passions of the voters with exaggerated and flamboyant rhetoric as any we have ever elected to public office, and I admired him for that. He preferred to win a debate or an election on the basis of the well argued evidence, rather than to prey upon the fears or suspicions or prejudices of the audience.

He was the kind of Senator I try to be.

During his more than 41 years of service as a U.S. Senator, he was steady, conscientious and extraordinarily successful in every assignment and undertaking.

From his earliest days to his last days he gave the full measure of energy

and his ability to the service of this body and to his State. He saw that as his duty, and he took that as seriously as anyone who has ever served here.

Others have recalled in their speeches the positions of responsibility he held and the legislation he authored and caused to be adopted. There were many of each, and they are persuasive testimony to his effectiveness as a Senator. I will not try to recount all of them.

What may not be as easily measured is the influence he had in the Senate by the force of his character. He was the epitome of rectitude, of fairness, of decorum. His selection to be the first chairman of the Senate's Select Committee on Standards and Conduct was an illustration of the view that others in the body had of him, and the confidence they had in him to do what was right and just.

That is why he was so admired and appreciated in Mississippi. He got things done that helped our State, and its people, but he was more than an effective Senator. He was totally honest and trustworthy.

Mississippi will forever honor the memory of John C. Stennis.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DEWINE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent to speak as if morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, I thank the presiding officer for his patience.

MEDICARE

Mr. ROCKEFELLER. Mr. President, I am here to talk about the Medicare Program. In the recent days, I have noticed all kinds of people expressing deep concern for Medicare. That is comforting, because there is more than enough reason to be concerned.

Let me get right to the point. The Republican leaders in Congress, and the chairs of both Budget Committees in Congress, want to balance the budget in 7 years. If they keep their word and leave Social Security and defense spending completely alone, that will require cuts totaling \$1.2 trillion.

If they throw in the tax cuts for top income-earners that will require another whopping \$345 billion to finance those cuts. Now here's the key point for anyone concerned about Medicare: as we have seen in papers distributed by the Senate Budget Committee itself, this drive for a balanced budget—and presumably some tax cuts—will require cuts in Medicare to the

tune of \$250 to \$300 billion in 7 years. Medicaid will also have to help out with \$160 to \$190 billion in cuts.

The recent talk about Medicare is not really saying this. It is all about the need to shore up the Medicare trust fund, because it could be insolvent in 7 years. It is all about the idea of restructuring Medicare to save the program. The argument we are hearing is that Medicare has to be drained of \$300 billion to save the program. A curious argument.

Somehow, I think we need to make sure Americans, especially the 37 million senior citizens and disabled citizens who rely on Medicare, aren't being sold a bill of goods.

The fact is that the terms set by the leadership on the other side of the aisle—balance the budget by 2002, leave defense alone, and throw in some tax cuts—may require a raid on Medicare to get the job done.

That is why I am here.

My basic reaction to all this talk is to urge the Republican leaders to simply show us precisely what you mean. I am speaking as someone who cast my vote, several times, for a very precise, very specific plan to reduce the federal deficit by \$600 billion. It included savings in Medicare. The 1993 budget and deficit reduction plan was based on the simple concept of shared responsibility, and spread the burden fairly.

Along with spending cuts to reduce the deficit, it did important things like expand the tax credit for working families to make sure work is a better choice than welfare in this country.

But for all of the fire and brimstone heard this year about the need to balance the budget and now "save" the Medicare Program, we have yet to see a budget resolution, a budget plan, a single detail on just how everyone making the noise intends to achieve these impressive goals.

Of course, the President is reacting by saying essentially "show me." He submitted his budget on time. He offered a health care plan that tied Medicare savings to comprehensive health care reform. He rejected the idea of a constitution amendment on the Republicans' terms, and so of course, he is asking for some specifics.

I cannot conceive of a budget that meets the conditions of the other side of the aisle—stay away from Social Security, do not touch defense, no new revenue, and tax cuts for corporations and the wealthy—without huge cuts in Medicare.

And make no mistake about it, \$250 to \$300 billion of cuts in Medicare will mean higher deductibles and premiums for seniors, lower fees for hospitals and doctors, and a lot worse. If there is such a budget that can side-step Medicare, we are simply saying "show us." We have put our cards on the table for the past 2½ years when it comes to health care, Medicare, and deficit reduction.

While all of this talk and born-again interest in Medicare's solvency gets

sorted out, I am here to lay out proposals that I think are bottom-line ways to act in the best interests of Medicare. I do this as someone who has tried to protect Medicare for a long time, and will keep fighting to do exactly that. I do this as the former chair of the Medicare Subcommittee on the Finance Committee, and now the ranking member—the majority leader is the chairman of that subcommittee now.

I do this as someone who smells a rat when the same people who have talked for months about stepping up to the plate, with specifics on how the budget can be balanced by 2002 with tax cuts thrown in and defense off the table, but now suggest that the \$300 million in Medicare cuts they are talking about is their new plan for saving Medicare. Something is not quite right about this picture, I suggest. I agree that Medicare has to be put on better financial footing. But that effort should not be a smokescreen for using it to finance other agendas like tax cuts for corporations.

First, I am introducing legislation to create a National Commission on Medicare modeled after the National Commission on Social Security Reform that President Reagan chartered in 1981.

The charge given to the Social Security Commission was to propose "realistic, long-term reforms to put Social Security back on a sound financial footing; and to forge a working bipartisan consensus so that the necessary reforms can be passed into law."

We need this kind of bipartisan process to shore up Medicare. We need to jump off the current rhetorical, budget-driven track to one where we can resolve the real question: how best to keep Medicare dependable for seniors over the next generations.

If Medicare is cut by unprecedented amounts of money to pay for anything but Medicare, the consequences will be disastrous for health care providers and beneficiaries. Rural hospitals will close in droves. Doctors will be forced to turn away the elderly. Medicare will no longer be reliable insurance for seniors in West Virginia.

As my second proposal, I will offer an amendment to the budget resolution when it comes to the Senate floor that will put Medicare in a lock-box to protect it from looting.

This isn't the blueprint we need to get Medicare back on solid ground for the long term, but it will buy a few more years of solvency and ensure it will not be used for anything but the promises made to senior citizens. Medicare is not a slush fund to finance tax cuts or other Government programs.

I will tell you why I am concerned about Medicare. I am worried its true purpose is getting lost.

It is a promise, a pledge, to the American people that they will be able to live their lives in dignity and security past their working years. Instead of treating Medicare like a checking account in this budget process, we need to remember it is an investment.

The Medicare trustees sounded the alarm about the short-term insolvency of the Medicare Program more than 3 years ago.

In fact, the Medicare trustees urged action on comprehensive health care reform to address the country's systemic problem of rising health care costs that are draining the Medicare hospital trust fund and the pockets of American families and businesses.

But comprehensive reform was rejected by the Congress last year. I should note that up until very recently, the Medicare Program outperformed the private sector in holding down its costs. Over the past 2 years, Medicare costs have been slightly higher than the private sector costs.

But, and this is a big "but," the private sector is insuring fewer and fewer people, while Medicare's enrollment is increasing; and Medicare pays for home care services and skilled nursing home care, types of services that are not normally covered by private insurance policies.

Mr. President, I have heard lots of talk about needing to move the Medicare Program into the 21st century by "restructuring" it so it looks more like insurance in the private sector.

So far, I just cannot share in the enthusiasm for copying something that is leaving out so many hard-working people and families from any kind of health care security. In fact, Medicare was first established because the private insurance industry had failed so miserably to provide affordable insurance to senior citizens. While many of my colleagues like to talk about the "miracles of the marketplace," I still see cherry-picking and redlining, medical underwriting and policy cancellations, job-lock, and families paying more and more money for fewer and fewer health benefits.

Just think about sending 37 million people with pre-existing medical conditions to the private insurance market with vouchers called choice-clerk and medi-check. High administrative costs in the private sector will eat up the value of Medicare benefits right off the bat. Will the senior citizens living in small towns across West Virginia end up paying more of their own money for their health care or be forced to join an HMO—if one is even available in the area?

To "save" Medicare we need comprehensive proposals to address these issues, not just blind cutting of Medicare. Last year, we offered proposals to fix these myriad problems. Republicans disagreed with our approach, and celebrated the defeat of our proposals. Our opponents' television ads stated again and again that there's "a better way." Slashing \$250 to \$300 billion out of Medicare is not a better way.

Mr. President, cutting \$250 billion out of Medicare over 7 years is not the way to guarantee the long-term solvency of the Medicare Hospital Trust Fund. It might add a few more years of solvency—5 to 8 tops, CBO thinks—to

the trust fund. We need to rise to the challenge met when Medicare was created and Social Security was rescued, and chart a long-term prescription for Medicare's health over the next 25 years of more.

I make my two suggestions as a way to get started.

Protect Medicare from raids to pay for anything, especially tax cuts, but what its intended for—the promise of health care security for the seniors of West Virginia and the country. And while we know Medicare is safe, let us replicate the approach used to save Social Security and really prepared Medicare for the challenges of the next century.

I thank the Presiding Officer and yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMONSENSE PRODUCT LIABILITY AND LEGAL REFORM ACT

The Senate continued with the consideration of the bill.

Mr. GORTON. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending question is the Gorton amendment No. 620.

Mr. GORTON. Is the Snowe amendment to the Gorton amendment also pending?

The PRESIDING OFFICER. It is a Gorton amendment offered on behalf of Senator SNOWE.

Mr. GORTON. Mr. President, this amendment is identical to an amendment which was adopted by a rollcall vote earlier today to the medical malpractice sections of the bill. We have discussed it. Everyone has agreed that we do not need another rollcall vote on it. I believe all debate is concluded. I ask the President to put the question.

The PRESIDING OFFICER. If there is no further debate, the question occurs on agreeing to the amendment No. 620 to amendment No. 596.

The amendment (No. 620) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ROCKEFELLER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GORTON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.